

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7180

BILL NUMBER: HB 1771

NOTE PREPARED: Dec 29, 2004

BILL AMENDED:

SUBJECT: Criminal Recklessness with a Vehicle.

FIRST AUTHOR: Rep. Orentlicher

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes criminal recklessness that involves: (1) a vehicle; and (2) disobeying a traffic device; a Class D felony if bodily injury results or a Class C felony if death results.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law, criminal recklessness is a Class A misdemeanor if the conduct includes the use of a vehicle. Under the bill, the crime would remain a Class A misdemeanor if the individual committing the offense does not disobey an official traffic control device. However, the penalty would be enhanced when an official traffic control device was disobeyed to a Class D felony, if bodily injury resulted, or a Class C felony, if death resulted.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. A Class C felony is punishable by a prison term ranging from two to eight years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months, and the average for all Class C felony offenders is approximately two years.

Background: On average between 1999 and 2003, there were 12,640 people a year found guilty of disregarding a traffic signal. However, there are no data available from this time period to indicate how many people were found guilty of criminal recklessness involving a vehicle or if offenders found guilty of disregarding a traffic signal were also found guilty of criminal recklessness.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony or Class C felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies..

Information Sources: BMV Citation Report; Indiana Sheriffs' Association; Department of Correction.

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